

APPLICATION (Revised September 2011)
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE



QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
EE.

NAME: Thomas Joseph Plunkert

1. State your present principal occupation: Practicing Attorney
2. Are you at least 30 years of age? Yes.
3.
 - (a) How long have you been a citizen of the United States? Since November 15, 1952
 - (b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? Yes.
 - (c) How long have you been a qualified voter of Missouri? Since approximately November 15, 1970

4. Are you licensed to practice law in Missouri? Yes.

List any other states, courts, or agencies in which you are licensed as an attorney:

I am admitted to practice in Illinois. I am also admitted to practice before the United States Supreme Court, the Seventh and Eighth United States Circuit Courts of Appeals, the United States District Court for the Eastern and Western Districts of Missouri and the Southern District of Illinois.

5. State the date you were admitted to the Bar in Missouri? September 3, 1977.

Missouri Bar Number: 26438

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

Florida Institute of Technology (1970-1974)
150 West University Blvd.
Melbourne, Florida 32901
B.S. Mathematics (cum laude) June, 1974

St. Louis University School of Law (1974-1977)
3700 Lindell Blvd. 63108
J.D. (cum laude) June, 1977

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

August 1, 1977-February 23, 1985
Kenny, Leritz and Reinert
314 North Broadway, Suite 314
St. Louis, MO 63101

February 24, 1985-April 16, 1990
Leritz, Reinert and Duree
812 North Collins
St. Louis, MO 63102

April 17, 1990 – November 6, 2008
Leritz, Plunkert & Bruning, P.C.
One City Centre, Suite 2001
St. Louis, MO 63101

November 7, 2008 – December 31, 2015
Leritz, Plunkert & Bruning, P.C.
555 Washington, Suite 600
St. Louis, MO 63101

January 1, 2016 – Present
Leritz & Plunkert, P.C.
555 Washington, Suite 600
St. Louis, MO 63101

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome. N/A
- (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome.
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? Yes.
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. See attached.
11. Have you briefed or argued any case before any appellate court? Yes.
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. See attached.
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney. See attached.
13. Have you ever been convicted of a misdemeanor or felony? No.
If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:
14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem?
I have never been sued by a client. See attached.
- If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated: See attached.
15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? No.
If yes, provide details: N/A

16. Have you ever been held in contempt of court? No.
If yes, provide details: N/A
17. If you are or were a member of the Judiciary of the State of Missouri, please state:
- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? No.
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed: N/A
- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. No.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist: N/A
- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details: No.
18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? No.
If yes, provide details: N/A
19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates: See attached.
20. Describe your community activities, including any organizations, not listed above, with which you are affiliated: See attached.
21. Do you now hold or have you ever held any elective or appointive public office or position? If yes, provide details: See attached.
22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state: N/A
23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received: See attached.
24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications: See attached.

Thomas Joseph Plunkert

10. List of cases tried since January 1, 2005. All cases first chair, except the third.

Ninette Miller v. Casino One Corp. d/b/a Lumiere Place Casino And Hotels and Otis Elevator Company, No. 1322-CC00632, November 10-13, 2014, Circuit Court of the City of St. Louis, jury trial, the Honorable Rex M. Burlison presiding. I represented Otis Elevator Company. V. Scott Williams and John Kilper, 200 North Third, St. Charles, MO. 63301-2813 represented Casino One. Michael Lawder 515 Olive, Suite 704, St. Louis, MO. 63101 represented the plaintiff. Plaintiff was entrapped in an elevator at the Lumiere Place Casino for 25 minutes. She claimed emotional distress in the form of post-traumatic stress disorder and presented expert testimony from a psychologist. Jury returned a defense verdict.

Deborah Williams v. Otis Elevator Company, Jones-Lang-LaSalle and First States Investors, 225 LLC, No. 1222-CC01429, October 27-30, 2014, Circuit Court of the City of St. Louis, jury trial, the Honorable Michael F. Stelzer presiding. I represented all three defendants. Anastasia Brubaker, 130 South Bemiston, Suite 200, Clayton, MO. 63105 represented the plaintiff. Plaintiff was on a passenger elevator that stopped at the sixth floor. Two passengers exited the elevator. As plaintiff was exiting the elevator, the elevator dropped four to six inches. Plaintiff tripped and fell. There was an eye witness on the elevator behind the plaintiff. Plaintiff broke her right wrist, her left humerus, her right ankle and injured her left knee. She had surgery on her right wrist. A former Otis Elevator Company mechanic testified he did not perform all of the maintenance steps he was required to perform. The jury returned a verdict for the plaintiff in the amount of \$300,000 against Otis Elevator Company and Jones-Lang-LaSalle.

Kelcee Blunkall, et al., v. Heavy Specialized Haulers, Inc. and CWF Wood Products, Inc., No. 07AN- CV00137-01, November 11-15, 2013, Circuit Court of Howell County, jury trial, the Honorable David P. Evans presiding. Chris Leritz and I represented the defendants. H. Lynn Henry and Roy Williams, PO Box 617, West Plains, MO 65775-0617 represented the plaintiffs. A logging truck crossed the center line and struck a motor vehicle head on, killing a young married couple who were survived by three children. The logging truck was being operated by an independent contractor, not an employee of the defendants. On November 15, 2013 the jury returned a verdict for the defense. I second-chaired Chris Leritz.

Jane Doe v. Martin T. Sigillito, Martin T. Sigillito Associates, Ltd., Derek Smith and Distinctive Properties (UK) Limited, No. 1022-CC02374, July 25, 2011, Circuit Court of the City of St. Louis, bench trial; the Honorable Mark Neill presiding. I represented Martin Sigillito. Plaintiff was represented by Ted F. Frapolli, The Law Offices of Ted. F. Frapolli, 275 North Lindbergh, Suite F, St. Louis, MO 63141. Jane Doe alleged Martin T. Sigillito was her lawyer and gave her improper advice concerning the laws of England as they pertained to protection of lenders. As a result of this advice, Jane Doe alleged she loaned \$1,500,000.00 to a British citizen and his business entity. The loan was not repaid. The Defendant did not testify but, rather, invoked his Fifth Amendment right to remain silent. Judgment was entered in favor of Plaintiff and against the Defendant on October 18, 2011.

In Re: The Estate of Leon Bowers, Deceased, No. 11PO18200092, June 6, 2011, Circuit Court of St. Charles County, jury trial, the Honorable Phillip Ohlms presiding. I represented Charles Niedner and the firm of Niedner, Bodeux, Carmichael, Huff, Lenox & Pashos, L.L.P. Plaintiffs were represented by Michael George, Law firm of Michael T. George, P.C., 2330 Menard, Suite 301, St. Louis, MO 63104. Co-Defendant Eleanor Bowers was represented by Garry Heggs, 201 North Kingshighway, St. Charles, Missouri 63301. Charles Niedner and Eleanor Bowers were co-trustees of two testamentary trusts. The claimants were residuary beneficiaries of one of the trusts. Plaintiffs claimed the trustees mismanaged the trust funds to the benefit of Eleanor Bowers and to the detriment of the claimants. Judgment was entered for the Defendants after two days of trial.

Pamela Hardin and Martin Hardin v. University of Missouri and United Technologies Corp. d/b/a Otis Elevator Company, No. 08BA-CV01685, April 19, 2011, Circuit Court of Boone County, jury trial, the Honorable Gary Oxenhandler presiding. Case settled during trial. I represented Defendants, Otis Elevator Company and the University of Missouri. Plaintiff was represented by Shane Farrow, Brown Cornell Farrow, LLC, 601 Monroe Street, Suite 304, Jefferson City, Missouri 65101. Co-counsel for the University of Missouri was Paul Macguffee, Office of the General Counsel, University of Missouri, 227 University Hall, Columbia, MO 65211. Pamela Hardin was injured when an elevator at the University of Missouri Hospital stopped suddenly. Case settled midway through trial.

John M. Sanders v. Durham School Services, L.P., et al., No. 0722-CC09189, September 7-11, 2009, Circuit Court of the City of St. Louis, Division 13, jury trial. I represented the plaintiff. Defendant was represented by John Franke, Franke, Schultz & Mullen, 8900 Ward Pkwy., Kansas City, MO 64114. Plaintiff was involved in a three vehicle motor accident. Due to the sudden slowing and/or stopping of the car in front of plaintiff, plaintiff slowed down and defendant school bus rear-ended plaintiff. Plaintiff's damage was a ruptured disk and resulting back surgery. Plaintiff could not return to his previous job but was not disabled. Jury returned a verdict of \$500,000.00 assessing 10% fault to plaintiff and 90% fault to defendant for a net verdict of \$450,000.00.

Richard F. Kurtzeborn v. Attorney T.K.K., No. 08822-CC01592, June 17, 2009, Circuit Court of the City of St. Louis, Division 2, jury trial. I represented the defendant. Plaintiff was pro se. This case was a legal malpractice suit. Mr. Kurtzeborn had an underlying case wherein he had sued his employer for breach of contract. Plaintiff lost his case with his employer. Mr. Kurtzeborn then sued my client for not filing the lawsuit for age and health discrimination. During trial the Judge dismissed his case for failure to prosecute.

Troy Green v. Otis Elevator Company, No. 032-10812, October 22-26, 2007, Circuit Court of the City of St. Louis, Division 8, jury trial. I represented the defendant. Plaintiff was represented by Dan Ryan, Bollwerk & Ryan, 10525 Big Bend, St. Louis, Mo., 63122. Plaintiff's 48 year-old wife opened an elevator door at the Masonic Temple. The elevator was not present. She fell to her death. Jury found the elevator was installed in 1926 without a safety device. Plaintiff had settled with two other defendants. Jury found in favor of plaintiff. Case was settled on appeal.

In The Estate of Mary Simmons Gordon, Deceased; The Salvation Army and Shriners Hospital v. John Caraker, Personal Representative, No. 04PS-PR00417, September 10-12, 2007, Circuit Court of St. Louis County, Division 4, jury trial. I represented the respondent. Petitioners were represented by Ted Dearing, Dearing & Hartzog, 211 South Central, Clayton, Mo., 63105 and Bill Sitzler, DuBail Judge, 275 North Lindbergh, St. Louis, Mo., 63141. Respondent was personal representative of an estate worth \$18,000,000 of which \$15,000,000 was in 280,000 shares of Anheuser-Busch stock. Over the course of the administration of the estate, the value of the stock decreased by approximately \$1,500,000. Petitioners sued for this decrease. Jury returned a small (five figure) verdict for the Petitioners.

Kevin Barylski v. Elevator Company, No. 042-1552, June 25-29, 2007, Circuit Court of the City of St. Louis, Division 18, jury trial. I represented the defendant. Plaintiff was represented by John Simon, Simon & Passanante, 701 Market, Suite 1450, St. Louis, Mo., 63101. Plaintiff was a 29 year-old elevator company (not the defendant elevator company) helper/laborer engaged in modernizing one of the defendant's elevators at the Federal Reserve Bank. As the Plaintiff was working on the elevator, the elevator started moving up. The emergency stop button did not stop the elevator. The plaintiff was dragged up six stories with his lower half in the two-inch gap between the elevator floor and the shaft. He did not die. A similar incident had occurred in Texas several years earlier. This case settled on the fifth day of trial.

Donald and Susan Dace v. Hrant Norsigian, Joseph Bartholomew and Philip Smith, No. 042-00763, October 2, 3 & 4, 2006, Circuit Court of the City of St. Louis, Division 12, jury trial. I represented defendant, Philip Smith. Plaintiffs were represented by Pat Ducey and John Rourke, Reinert & Rourke, 812 North Collins, St. Louis, Mo., 63102. Plaintiff, Donald Dace, suffered from diverticulitis. His physicians diagnosed and operated several times for appendicitis. Mr. Dace hired Mr. Norsigian and Mr. Bartholomew to sue the physicians. Mr. Bartholomew filed and dismissed the case. Mr. Norsigian asked Mr. Smith to review the medical records to determine if Mr. Smith wanted to handle the case. He did not. The case was not re-filed within the statute of limitations. After two days of pre-trial motions and jury selection, Mr. Smith was dismissed with prejudice. No money was paid on his behalf.

The Bar Plan Mutual Insurance Company v. Thomas M. Blumenthal, et al., No. 05CC-000258, August 21, 22 and October 18, 19, 2006, Circuit Court of the County of St. Louis, Division 4, non-jury. I represented the plaintiff. Defendants were represented by F. Guthrie Castle, 109 Time Warner Bldg., 6555 Quince Rd., Memphis, Tenn., 38119 and Terry Pabst, 11301 Olive, St. Louis, Mo., 63141. Declaratory Judgment Action wherein the court ruled the language of my client's insurance policies was not ambiguous and that my client neither had waived nor was estopped from asserting the language at issue limiting coverage under multiple policies to the highest single limit. The judge's decision was upheld on appeal.

Immigration Law Group v. Danna McKittrick, P.C., No. 4:03 CV 1226 RWS, August 22, 23, 2005, United States District Court, Eastern District of Missouri, the Honorable Rodney W. Sippel, presiding, non-jury trial. I represented the defendant. Plaintiff was represented by Matt Sauter, 3415 Hampton, St. Louis, Mo., 63139. A member of the defendant law firm left to join the plaintiff law firm that specialized in immigration law. Over 100 of the defendant's clients went to the plaintiff law firm. Plaintiff law firm finished the legal work of those clients and sued the defendant law firm for unearned fees. Trial Court ruled in favor of my client. The judge's decision was upheld on appeal.

Debra Heady v. American Family Mutual Insurance Company and Richard Friend, No. 022-10672, May 26, 2005, Circuit Court of the City of St. Louis, jury trial. I represented the Plaintiff. Defendants were represented by Mike Harris, 15400 South Outer 40, Suite 202, Chesterfield, Mo. 63017. Plaintiff resigned as an agent of American Family to work as an agent of Allstate. Plaintiff alleged Defendant, Friend, told former customers the Plaintiff was fired for stealing money. Plaintiff sued for defamation. Defendant, American Family, counterclaimed for return of the money they alleged Plaintiff took. Jury verdict against Plaintiff on her defamation claim and in favor of American Family for return of the money.

Carrie Dobsch v. V&W Investments, No. 22046-00277-01, February 23, 2005, Associate Circuit Court of the City of St. Louis, Division 28, non-jury. I represented the defendant. Plaintiff was represented by William S. Daniel, 1116 Culver Hill Dr., St. Louis, Mo., 63119. Plaintiff's car was stolen from defendant's business, a car wash. Defendant's employee had left the car on the lot with the keys in the ignition. Court found for defendant. Case settled before judgment was entered.

Corporation of Police & Private Security, Inc., d/b/a COPPS, Inc., Donna Brooks and Samuel Brooks v. Capitol Indemnity Corp., The Law Offices of Thomas J. Noonan and Thomas J. Noonan, No. 004-614, February 8, 2005, Circuit Court of the City of St. Louis, seven day jury trial. I represented the two attorney-Defendants. Plaintiffs were represented by Drew C. Baebler, 1010 Market St., Suite 350, St. Louis, Mo. 63101. Defendants had represented Plaintiffs when Plaintiffs were sued in a battery and malicious prosecution case. The defense of that case was unsuccessful. Plaintiffs then sued the attorney-Defendants for legal malpractice. The jury returned a verdict in favor of my clients.

Thomas Joseph Plunkert

11. Appellate cases.

Clark v. Furch, 567 S.W.2d 457 (Mo. App. E.D. 1978); assisted in writing brief.

Sturgeon v. State Bank of Fisk, 616 S.W.2d 578 (Mo. App. S.D. 1981); assisted in writing brief.

Spearman v. University City Public School District, 617 S.W.2d 68 (Mo. banc 1981); wrote briefs and argued case in Court of Appeals and Supreme Court.

Smith v. St. Louis County Softball Ass'n, 623 S.W.2d 38 (Mo. banc 1981); wrote briefs and argued case in Court of Appeals and Supreme Court.

Lehman v. Wansing, 624 S.W.2d 1 (Mo. banc 1981); wrote briefs and argued case in Court of Appeals and Supreme Court.

Childers v. Town & Country Suzuki, 624 S.W.2d 863 (Mo. App. E.D.1981); wrote brief and argued case in Court of Appeals.

Miller v. Kreutz, 643 S.W.2d 310 (Mo. App. E.D. 1982); wrote brief and argued case in Court of Appeals.

St. John Bank & Trust v. City of St. John, 679 S.W.2d 399 (Mo. App. E.D. 1984); wrote brief and argued case in Court of Appeals.

State ex rel. Coca-Cola Bottling Co. of Mid-America v. Gaertner, 681 S.W.2d 445 (Mo. banc 1984); wrote briefs and argued case in Court of Appeals and Supreme Court.

State ex rel. Whitacre v. Ladd (I), 701 S.W.2d 796 (Mo. App. E.D. 1985); wrote brief for case in Court of Appeals.

State ex rel. Whitaker v. Ladd (II), 717 S.W.2d 287 (Mo. App. E.D. 1986); wrote brief for case in Court of Appeals.

Bell v. United Parcel Service, 724 S.W.2d 682 (Mo. App. E.D. 1987); wrote brief for case in Court of Appeals.

Hammond v. Missouri Property Insurance Placement Facility, 731 S.W.2d 360 (Mo. App E.D. 1987); wrote brief and argued case in Court of Appeals.

Trotter v. Honest John's, 765 S.W.2d 735 (Mo. App. E.D. 1989); wrote brief and argued case in Court of Appeals.

Hampton Foods v. Wetterau, 780 S.W.2d 79 (Mo. App. E.D. 1989); wrote brief and argued case in Court of Appeals.

11. Appellate cases (cont'd)

Russell v. Constantino Enterprises, Inc., 785 S.W.2d 682 (Mo. App. E.D. 1990); wrote brief and argued case in Court of Appeals.

State ex rel. Burlington Northern Railroad v. Forder, 787 S.W.2d 725 (Mo. banc 1990); wrote briefs and argued case in Court of Appeals and Supreme Court.

Mitchell v. O'Hearne, 795 S.W.2d 603 (Mo. App. E.D. 1990); wrote brief and argued case in Court of Appeals.

Spearman v. Hoskins and Koshner, 806 S.W.2d 440 (Mo. App. E.D. 1991); wrote brief and argued case in Court of Appeals.

First Southern Ins. Co. v. Jim Lynch Enterprises, Inc., 932 F.2d 717 (8th Circ. 1991); argued case in Court of Appeals.

DeLaporte v. Robey Building Supply Co., 812 S.W.2d 526 (Mo. App. E.D. 1991); wrote brief and argued case in Court of Appeals. Judgment of trial court was reversed.

Koonce v. Union Electric, 831 S.W.2d 702 (Mo. App. E.D. 1992); wrote brief and argued case in Court of Appeals.

Hampton Foods v. Wetterau, 831 S.W.2d 699 (Mo. App. E.D. 1992); wrote brief in Court of Appeals.

Edwards v. Martha Rounds Academy, 845 S.W.2d 658 (Mo. App. E.D. 1992); wrote brief and argued case in Court of Appeals.

State ex rel. Rimco, Inc. v. Dowd, 858 S.W.2d 307 (Mo. App. E.D. 1993); wrote brief and argued case in Court of Appeals.

Kendall v. American Fire & Casualty Co., 873 S.W.2d 301 (Mo. App. E.D. 1994); wrote brief and argued case in Court of Appeals.

Noble v. Bartin, 908 S.W.2d 390 (Mo. App. E.D. 1995); wrote brief and argued case in Court of Appeals.

Costello v. City of Ellisville, 921 S.W.2d 134 (Mo. App. E.D. 1996); wrote brief and argued case in Court of Appeals.

Seymour v. Ohio Casualty, 927 S.W.2d 405 (Mo. App. E.D. 1996); wrote brief in Court of Appeals.

Beare v. Becker, et al., 941 S.W.2d 542 (Mo. App. E.D. 1997); wrote brief and argued case in Court of Appeals.

Malone v. Bankhead Enterprises, 125 F.3d 535 (7th Circ. 1997); wrote brief in Court of Appeals.

11. Appellate cases (cont'd)

Friar v. Trustees of the Kirkwood Athletic Ass'n and General Agents Ins., 959 S.W.2d 808 (Mo. App. E.D. 1997); wrote brief and argued case in Court of Appeals. Case was decided in my favor.

Behlman Pontiac GMC v. Harbin, 6 S.W.3d 891 (Mo. 1999); assisted in writing brief.

Sandage v. Bankhead Enterprises, Inc., 177 F.3d 670 (8th Cir. 1999). I assisted in writing brief. The 8th Circuit Court of Appeals reversed the judgment and directed the trial court to enter judgment in favor of my client.

Bevolo v. Carter, 447 F.3d 979 (7th Cir. 2006); wrote brief and argued case in Court of Appeals. I defended a guest Kajukimbo instructor who injured a student while demonstrating a defensive maneuver. Court held the Illinois "contact sports" exception applied to bar this cause of action sounding in negligence.

Immigration Law Group v. Danna McKittrick, et al., 484 F.3d 998 (8th Cir. 2007); assisted in writing brief, argued appeal. Case arose out a suit by one law firm against the former law firm of one of the new firm's partners. The new firm claimed fees were owed to it by the former law firm. The trial and appeal were decided in my client's favor.

The Bar Plan v. Susman, Schermer, et al., 254 S.W.3d 136 (Mo. App. E. D. 2008); Co-wrote brief with Joseph L. Leritz and argued appeal on October 24, 2007. My client responded to the appeal of the party who lost at the trial level. The case involved the interpretation of a legal malpractice insurance policy. My client prevailed at trial and on appeal.

Trotter v. Distler, 260 S.W.3d 913 (Mo. App. E.D. 2008) Co-wrote brief with Joseph L. Leritz, argued appeal. Appeal dealt with a sanction order with which plaintiffs' attorney failed to comply. Case was eventually dismissed by the plaintiffs.

Ahrens v. Sigillito, 398 SW3d 903 (Mo. App. E. D. 2013). Co-wrote brief and argued appeal. Main issue involved a plaintiff who obtained an injunction on an intentional tort theory but tried the liability case on a negligence theory. The Court of Appeals ruled against my client's position.

Coin Acceptors, Inc. v. Haverstock, Garrett and Roberts, LLP, 405 SW3d 19 (Mo. App. E. D. 2013). Wrote brief and argued appeal. Plaintiff appealed a summary judgment in favor of three defendants in a legal malpractice case arising out of a patent infringement case. My client prevailed on appeal as did the other two Respondents.

Rosemann v. Sigillito, 785 F.3d 1175 (8th Cir. 2015). Co-wrote brief and argued appeal. Plaintiff appealed summary judgment in favor of defendant in a legal malpractice case. Case involved a Belize corporation that had loaned money to a Turkish corporation which then went into bankruptcy. At issue were defendant's representations concerning the security of the loan and the investigation of the Turkish corporation's NATO contracts.

Thomas Joseph Plunkert

12 and 25. Additional Information.

In 2015, I was added to the list of Approved Neutrals in the United States District Court for the Eastern District of Missouri. I have been appointed by the District Court Judges to mediated civil lawsuits.

I served on the Administrative Law Judge Review Committee pursuant to Mo. Rev. Stat. Section 287.610.9(2). I have served on this statewide committee from October 14, 2005 to January 1, 2011. This Committee oversees the conduct of all administrative law judges (Workers' Compensation) in the state.

I served a six-year term on Missouri's Commission on Retirement, Removal and Discipline of judges from January 1, 2000 through March of 2006. I was chairman from January 1, 2002 through December 31, 2003. This statewide Commission considers every complaint filed against every state court judge.

I served on the Missouri Bar's Client Security Fund Committee from 1996 to 2001. I was chairman during 2001. The committee hears complaints from clients who have had money stolen from them by lawyers who are dead, disbarred or disabled. We then make recommendations to the Board of Governors to make restitution to these clients from the fund.

Certified as a "neutral" for Missouri Supreme Rule 5 dispute resolution purposes. In April of 1996, The Missouri Supreme Court authorized the Office of the Chief Disciplinary Council to send some bar complaints to voluntary mediation in an attempt to resolve these complaints at an early stage. Thirty-nine lawyers from around the state were selected and trained as mediators for this program. I was one. I have since successfully mediated all complaints sent to me.

Certified as a neutral for Missouri Supreme Court Rule 17 mediation purposes. The Missouri Supreme Court is encouraging early mediation of civil cases in an attempt to streamline the dockets and ensure the prompt administration of justice. I am eligible to mediate these cases subject to local rules and requirements. I have been appointed by the court to mediate several civil cases and have been appointed a special master for discovery purposes and as an arbitrator.

Member, Aequitas Mediation Service. Many years ago, Legal Services of Eastern Missouri started a mediation service which generated funds for LSEM. I was on its list of mediators until it ceased operations. I am now on the list for Midwest Litigation Mediation Service, known as Aequitas. I have also been approved as a neutral by the United States District Court for the Eastern District of Missouri.

I am a volunteer attorney for Legal Services of Eastern Missouri and Catholic Legal Assistance Ministry and I have served as a volunteer lawyer in St. Louis County Juvenile Court representing parents in juvenile hearings.

Thomas Joseph Plunkert

In 1990, my two partners and I founded our present law firm. I served as the firm's managing partner until September of 1997 and I am still actively involved in the day to day management of the firm.

From 1996 through 2010, I served on the Alumni Board of Directors. I was President of the St. Louis Priory School Alumni from 2000 to 2002. I am currently a member of the Search Committee to find a new Athletic Director.

12 and 25. Additional Information. (continued)

From 1979 to 1985 I was a high school and junior college basketball referee and refereed in the Missouri state girls basketball tournament and the national women's junior college basketball tournament. Until recently, I refereed grade school basketball at Ste. Genevieve du Bois and coached basketball and baseball.

In the 1975-76 law school year, I was on the staff of the St. Louis University Law Journal. In the 1976-77 law school year, I was the Administrative Editor of the Law Journal.

In the 1975-76 law school year, I worked 20 hours a week for the Public Defender's office in the City of St. Louis through a school sponsored clinic. I worked in the Felony Division interviewing defendants and witnesses and I represented defendants at preliminary hearings. I also worked in the Juvenile Division interviewing defendants, witnesses and their family members and trying cases.

Thomas Joseph Plunkert

14. Have you ever been a party to any litigation?

John Murphy v. Joseph Leritz et al., Cause No. 852-00463, Circuit Court of the City of St. Louis. Suit was commenced in early 1985 and was terminated approximately 2-3 years later. Mr. Murphy was an employee of a subcontractor hired to tuck point a 130 year old building on Laclede's Landing my partners and I had purchased. We were rehabbing the vacant building to house our law offices. During the renovations, Mr. Murphy and Mr. Nance placed clamps on the top of a parapet wall in order to raise the scaffold they were going to use to tuck point the wall. The wall could not hold the weight of the men and their scaffold. The wall collapsed injuring Mr. Murphy and killing Mr. Nance. My partners and I were sued solely because we were the owners of the building. The case was settled by the insurance companies involved.

Donna Nance v. Joseph Leritz et al., Cause No. 852-03220, Circuit Court of the City of St. Louis. This was a companion case to the case above.

In re John T. Plunkert, Sr., Incapacity. 22 PR03950115 Probate Court, City of St. Louis, 2/3/95. This matter was necessary to have a guardian and conservator appointed for my father.

Firemen's Fund Ins. Co. v. Casey et al., Cause No. 874-00322, Circuit Court of the City of St. Louis. This was an interpleader action. I represented one of several plaintiffs in a personal injury action. The insurance company for the defendant paid its policy limit into the registry of the court and sued all interested parties in October of 1987 who agreed to split the insurance proceeds. The case was terminated shortly thereafter.

Thomas Plunkert v. Roto-Rooter, Cause No. unknown, Associate Circuit Court of St. Louis County. This was a property damage case arising out of some excavation being done on my property. It was commenced in the early 1980s and lasted about a year. I won a judgment.

Katherine C. Plunkert v. Thomas J. Plunkert, Case No. 2101FC-05522 dissolution action filed by my wife on June 11, 2001; dismissed later that year.

Dolores Stockman v. Leritz, Plunkert & Bruning, et al., Cause No. 054-01212, Circuit Court of the City of St. Louis. Mrs. Stockman filed a declaratory judgment suit to try to obtain my file in a case where she sued an attorney for malpractice and I defended the attorney. Case was dismissed as to me on June 15, 2006.

James E. Hullverson, Jr. v. Thomas Plunkert et al., Cause No. 052-8135, Circuit Court of the City of St. Louis. The attorney for Mrs. Stockman filed a suit on January 26, 2007 to try to obtain my file in a case where his client sued an attorney for malpractice and I defended the attorney. I never saw the suit papers as it was handled in conjunction with the case above. Case was dismissed as to me, exact date unknown.

Thomas J. Plunkert and Katherine C. Plunkert v. Frank Laks, Cause No. 0722-AC10844. Associate Circuit Court of the City of St. Louis. This is a suit on a note. Mr. Laks borrowed money from my wife and me approximately eight years ago and has not repaid it.

Thomas Joseph Plunkert

19. Bar associations and other professional societies.

Missouri Bar 1977-Present; Board of Governors 1982-1986 and 1987-1994; Finance Committee 1992-1994, By-Laws Revisions Committee, Lawyer Referral Committee and others over my years of service.

Young Lawyers' Section Council 1980-1987; Vice-Chair 1982-1986; Executive Committee 1982-1986.

Chair of the Missouri Bar's Lawyers in the Legislature Committee 1986-1987.

I served on the Missouri Bar's Client Security Fund Committee from 1996 to 2001. I was chairman during 2001. This committee hears claims from clients who have had money stolen from them by lawyers who are now disbarred, incompetent or deceased. We then make recommendations to the Board of Governors concerning partial restitution to these clients from a fund maintained by the Missouri Bar.

I served on Missouri's Commission on Retirement, Removal and Discipline of judges from January 1, 2000 to March of 2006. I was chairman from January 1, 2002 through December 31, 2003. This statewide Commission considers every complaint filed against every state court judge.

Bar Association of Metropolitan St. Louis 1977-Present; Chair of the Trial Demonstration Committee 1978-1980.

St. Louis Bar Foundation Board of Directors 1993-1994; Cornerstone Committee 1993-1994.

Illinois Bar Association 1978-Present.

Admitted to practice before the United States District Courts for the Eastern and Western Districts of Missouri and the Southern District of Illinois as well as the Seventh and Eighth Circuit Courts of Appeals and the United States Supreme Court.

Thomas Joseph Plunkert

20. Affiliations outside the legal profession:

Ste. Genevieve du Bois parish lector and Eucharistic minister.

St. Louis Priory School Alumni	President (2000-2002)
	Vice President (1998-2000)
	Secretary (1996-1998)
	Director (1996-2010)

St. Louis Priory School class representative, class of 1970

From 1979 to 1985 I was a high school and junior college basketball referee and refereed in the Missouri state girls basketball tournament and the national women's junior college basketball tournament. Until recently, I refereed grade school basketball at Ste. Genevieve du Bois and coached basketball and baseball.

Since college, I have donated blood on a regular basis and I have been credited with having donated over 10 gallons of blood.

In January, 2011 I was certified by the American Sailing Association to captain a bareboat charter sailing vessel.

Thomas Joseph Plunkert

21. Elective or appointive public offices.

State of Missouri- I served on the Administrative Law Judge Review Committee pursuant to Mo. Rev. Stat. Section 287.610.9(2). I have served on this statewide committee from October 14, 2005 to January 1, 2011. This Committee oversees the conduct of all administrative law judges (Workers' Compensation) in the state.

City of Warson Woods- Municipal Judge (1991-1998);

Provisional Municipal Judge (1990-1991);

Prosecuting Attorney (1986-1990);

City Attorney (1986-1990);

Board of Zoning Adjustment (1980 -1986);

Municipal Insurance Committee (1986-1990);

Special Committee for the Financing of Street Repairs (1987-1988).

Thomas Joseph Plunkert

23. Professional articles and special recognition.

March 18, 2016 I will speak at the USA&M C.L.E. program at Washington University. I will speak on the subject of Ethics.

December, 2015, I spoke at the USA&M/Lawyers' Association C.L.E. program. I spoke on the subject of Ethics.

June, 2013, I spoke at the Simon Law Firm C.L.E. program to benefit LSEM. I spoke on the subject of Ethics.

Co-Author, Missouri Bar Insurance Law Desk Book, Chapter 10 entitled "Property and Business Liability-- Commercial General Liability Coverage." (1995; Supplement 1997). I also lectured on the subject (1995-96). Wrote revision and update, 2004 and 2010.

Spring, 2007 served as speaker for a legal malpractice prevention seminar presented by Chris Stegemeyer of The Bar Plan Mutual Insurance Company.

June, 1999 spoke at a B.A.M.S.L. Federal Practice seminar on pre-trial compliance.

May, 1999 spoke at a Bar Plan seminar on probate and estate planning malpractice.

November, 1998 spoke at a B.A.M.S.L. seminar on malpractice in the probate law area.

June, 1998 spoke at a Federal Practice seminar on the use of expert witnesses in Federal Court.

Author, Missouri Lawyers' Weekly article on the effects of required subject matter in the Minimum Continuing Legal Education program (circa 1994).

Lectured on settlements of minors' claims and settlements of wrongful death claims (1991).

City of Warson Woods Award of Recognition for Outstanding Service (1990).

Missouri Supreme Court Recognition for Significant Contribution to Strengthening the Administration of Justice (1984 and 1990).

Author, National Association of Fire Investigators magazine on how to testify as an expert witness in fire cases (circa 1986).

Missouri Bar Young Lawyers' Section Council Chairperson's Award for Outstanding Service to the Young Lawyers' Section (1985 and 1987).

Author, St. Louis University School of Law Symposium Magazine on the effects of a pardon on one's ability to maintain a license to practice law (1977).

Administrative Editor, St. Louis University Law Journal (1976-1977); Staff Member (1975-1976).

24. References.

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(314) 421-5545

Mr. John C. Weller, Esq.
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(314) 621-1617

25. Additional Information Deemed Relevant.

Our daughter, Christi, has been a police officer for the St. Louis Metropolitan Police Department since January of 2003. From age 18 to 21, she worked as a dispatcher for the department. Shortly after her 21st birthday, she enrolled in the Academy. She has been on the streets of St. Louis as a police officer and a full time public servant since the age of 21. She is the mother of three children.

Our son, Bobby, has practiced law since 2009 and currently practices law with the firm of Pitzer, Snodgrass, P.C.

Over the last several years my practice has become more involved with conducting mediations. I am on the list of approved neutrals for the United States District Court for the Eastern District of Missouri. I conduct some of my mediations at my office and some through Aequitas. I have also been appointed directly by the court. My success rate is at 90% or above.

In law school, I worked with the Public Defender's Office. I have voluntarily defended the indigent, I have served as a municipal prosecutor and I have served as a municipal judge. In addition, I have spent many years in voluntary service to the organized bar and The Saint Louis Priory School.

I have been appointed as a Special Master pursuant to Missouri Supreme Court Rule 68.01 and as a mediator by State Circuit and Federal District Court judges. I have also written and spoken on many topics for Continuing Legal Education programs.

My family has a long tradition of public service which our daughter is proudly upholding. I apply for this position to offer my services and my talents as a full time public servant. I have tried dozens of cases in several circuits in Missouri and Illinois representing parties ranging from indigent individuals to large multinational corporations as plaintiffs and defendants all while managing the day to day affairs of a small business.

I believe my experience qualifies me to hold this position of public trust.

BIOGRAPHICAL SKETCH

THOMAS J. PLUNKERT

Tom Plunkert is a life-long resident of St. Louis. He attended Saint Louis Priory School and St. Louis University School of Law. He has practiced in the area of civil litigation for over 35 years. He has served on the Missouri Bar Board of Governors and on statewide commissions and committees. He served five years on the Missouri Bar's Client Security Committee, six years on Missouri's Commission on Retirement, Removal and Discipline of Judges and on the Administration Law Judge Review Committee. Tom and his wife have two children; a daughter, Christi Weidler, the mother of three and a twelve year veteran police officer with the City of St. Louis Police Department, and a son, Bob, who practices law in St. Louis.